

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DERRELL LEE CHRISTY, JR.,

Case No.: 2:21-cv-00132-APG-BNW

Petitioner,

ORDER

V.

WILLIAM HUTCHINGS, *et al.*,

Respondents.

This action is a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by

10 Derrell Lee Christy, Jr., an individual incarcerated at Nevada's Southern Desert Correctional
11 Center. Christy initiated this action on January 25, 2021, by filing a petition for writ of habeas
12 corpus (ECF No. 1), a Motion for Leave (ECF No. 2), and a Motion for Appointment of Counsel
13 (ECF No. 3). Christy paid the filing fee (ECF No. 1-1).

I have examined Christy's petition, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I determine that it merits service upon the respondents. I will, therefore, order the petition served upon the respondents, and will direct the respondents to appear, but will not require any further action on the part of the respondents at this time.

In Christy's Motion for Leave (ECF No. 2), he requests leave of court to file his petition despite its length. Such a motion is unnecessary. Christy's petition has been filed (ECF No. 1). I will, therefore, deny this motion as moot.

22 State prisoners applying for habeas corpus relief are not entitled to appointed counsel
23 unless the circumstances indicate that appointed counsel is necessary to prevent due process

1 violations. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431
2 F.2d 638, 640 (9th Cir. 1970) (per curiam). The court may, however, appoint counsel at any
3 stage of the proceedings if the interests of justice so require. See 18 U.S.C. § 3006A; *see also*
4 Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. Christy's petition may
5 raise relatively complex issues, and it appears that he will not be able to adequately litigate this
6 action without counsel. I therefore find that appointment of counsel is in the interests of justice.

7 I THEREFORE ORDER that Petitioner's Motion for Appointment of Counsel (**ECF No.**
8 **3**) is **GRANTED**. The Federal Public Defender for the District of Nevada (FPD) is appointed to
9 represent Petitioner. If the FPD is unable to represent Petitioner, because of a conflict of interest
10 or for any other reason, alternate counsel will be appointed. In either case, counsel will represent
11 Petitioner in all federal court proceedings relating to this matter, unless allowed to withdraw.

12 I FURTHER ORDER that the Clerk of the Court is directed to electronically serve upon
13 the FPD a copy of this order, together with a copy of the petition for writ of habeas corpus (ECF
14 No. 1).

15 I FURTHER ORDER that the FPD will have 30 days from the date of this order to file a
16 notice of appearance, or to indicate to the Court its inability to represent the petitioner in this
17 case.

18 I FURTHER ORDER that the Clerk of the Court is directed to add Aaron Ford, Attorney
19 General of the State of Nevada, as counsel for Respondents and to provide Respondents an
20 electronic copy of all items previously filed in this case by regenerating the Notice of Electronic
21 Filing to the office of the AG only.

22
23

1 I FURTHER ORDER that Respondents will have 30 days from the date of this order to
2 appear in this action. Respondents will not be required to respond to the habeas petition at this
3 time.

4 IT IS FURTHER ORDERED that Petitioner's Motion for Leave (**ECF No. 2**) is
5 **DENIED** as moot.

6
7 DATED: January 27, 2021

8 
9 ANDREW P. GORDON
10 UNITED STATES DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23